

HON'BLE SRI JUSTICE M.S.K.JAISWAL

CRL.P.No.11414 of 2010

ORDER:

Petitioner-A2 seeks quashing of the proceedings initiated against him in C.C.No.96 of 2010 on the file of the Special Judge for Economic Offences, Hyderabad, registered for the offences punishable under Sections 120-B, 417, 418, 465, 468, 471 I.P.C. and Section 628 of the Companies Act, 1956.

The 2nd respondent-complainant filed a private complaint against the petitioner-A2 and four others for the aforesaid offences before the Special Judge for Economic Offences, Hyderabad, and the same was taken on file as C.C.No.96 of 2010.

It is alleged in the complaint that Accused No.1 is the company of which Accused No.2 is the Managing Director, Accused No.3 is the Chairman, Accused No.4 is the Director and Accused No.5 is the Company Secretary.

It is brought to the notice of this Court that connected Criminal Petitions arising out of the same criminal proceedings in C.C.No.96 of 2010 have been dismissed by this Court.

Accused No.4 filed Crl.P.No.4668 of 2010 seeking to quash the aforesaid proceedings and this Court by order dated 11.10.2012 dismissed the said petition. Accused No.3 also filed Crl.P.No.12770 of 2010 seeking to quash the aforesaid proceedings and this Court by order dated 01.11.2012 dismissed the said petition. Aggrieved by the same, Accused No.3 preferred SLP No.578 of 2013 and the same was dismissed by the Supreme Court by order dated 14.10.2014. Similarly, Accused No.5 filed

Crl.P.No.11424 of 2010, which was also dismissed by this Court by order dated 18.11.2014.

From a perusal of the complaint and other material available on record would clearly go to show that the present petitioner along with other accused conspired together so as to cause loss to the complainant and the shareholders and with a view to cause wrongful loss to the complainant as well as the other shareholders, entered into a criminal conspiracy. By doing so, they allegedly created a false resolution as if the Annual General Body Meeting was conducted on 14.12.2009, but, prima facie, no such meeting was held at the place and time as claimed by the accused. The contentions raised by the learned Counsel for the petitioner are required to be pleaded and proved before the trial Court.

For the aforementioned reasons and also in view of the aforesaid decision of this Court, this Criminal Petition is also liable to be dismissed.

Accordingly, the Criminal Petition is dismissed.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

24-07-2015

Gsn